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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/670,462

09/26/2000

Takao Ogura

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7590

01/25/2006

Katten, Muchin, Zavis & Rosenman  
575 Madison Ave.  
New York, NY 10022-2585

EXAMINER
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HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2668

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

AO

<b>Office Action Summary</b>	<b>Application No.</b> 09/670,462	<b>Applicant(s)</b> OGURA ET AL.	
	<b>Examiner</b> Clemence Han	<b>Art Unit</b> 2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 24 October 2005.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-24 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \*    c)  None of:
      - 1.  Certified copies of the priority documents have been received.
      - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson et al. (US 6,570,867).

Regarding to claim 1-6 and 12-15, Robinson teaches a system for managing a communication network composed of a plurality of subnetworks, comprising: a plurality of element managers 24 provided one for each of the plural subnetworks, at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Column 5 Line 20-23); and a network manager 20 accommodating said plural element managers for concentrated management thereof; wherein each of said plural element managers having a collection and notification section for collecting QoS (Quality of Service) capability management information on the corresponding element manager and notifying said network manager of the collected QoS capability management information (Column 5 Line 13-19); said network manager having a management section including a function object group which performs a control of QoS policy provisioning over the communication network (Column 5 Line 40-44)

and an information object group which manages network information of each of the plural subnetworks (Column 5 Line 19-30), and for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers 24 (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information indicating that the candidate subnetwork has been selected (Column 5 Line 3-6); and each of said element managers further having a control section for controlling the corresponding subnetwork based on the selection information notified by said selection and notification section of said network manager (Column 5 Line 9-12).

Regarding to claim 7 and 19, Robinson teaches a network manager for use in a communication network managing system which manages a communication

network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said management section is constructed to concentratedly manage the various QoS capabilities of said communication network and those of another communication network independent of said communication network in view of other QoS capability management information of other subnetworks that constitute said other

communication network (Column 14 Line 46-57, Column 3 Line 34-38), at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Column 5 Line 20-23).

Regarding to claim 8 and 22, Robinson teaches a network manager for use in a communication network managing system which manages a communication network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information

that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said management section is constructed to manage supported tagging, as additional information, for discrimination on combination of the subnetworks (Column 9 Line 60 – Column 10 Line 2), at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Column 5 Line 20-23).

Regarding to claim 9 and 24, Robinson teaches a network manager for use in a communication network managing system which manages a communication network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column

8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element manager corresponding the selected candidate subnetwork of selection information that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said management section is constructed to update the various QoS capabilities of the communication network when said QoS capability management information is updated (Column 9 Line 43-47), at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Column 5 Line 20-23).

Regarding to claim 10, Robinson teaches said selection and notification section is constructed to previously select two or more of the subnetworks when selecting the candidate subnetworks having communication QoS capabilities such as to individually satisfy the target QoS capability, for which the request has been received by said request reception section, to firstly notify one element manager, corresponding to a first one of the candidate subnetworks, of the previous selection of the plural subnetworks and secondly notify another element manager, corresponding to a second one of the candidate subnetworks, of unable information that the corresponding first candidate subnetwork cannot be controlled, upon receipt of the unable information as a response from the element manager



corresponding to the first candidate subnetwork (Column 14 Line 33-45, Column 10 Line 21-39), at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Column 5 Line 20-23).

Regarding to claim 11, Robinson teaches a network manager for use in a communication network managing system which manages a communication network composed of a plurality of subnetworks and includes a plurality of element managers 24 corresponding to the plural subnetworks; and a network manager 20 accommodating the plural element managers, said network manager comprising: management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 5 Line 3-15), a request reception section for receiving a request for a target QoS capability (Column 8 Line 22-25), and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability (Column 13 Line 46-56, Column 2 Line 27-29), for which the request has been received by said request reception section (Column 8 Line 22-25), based on the various QoS capabilities being managed by said management section (Column 5 Line 3-15), and for notifying said element

manager corresponding the selected candidate subnetwork of selection information that the candidate subnetwork has been selected (Column 5 Line 3-6), wherein said selection and notification section is constructed to select two or more of the subnetwork according to preset priorities when selecting the candidate subnetworks having QoS capabilities such as to individually satisfy the target QoS capability, for which the response has been received by said request reception section, and to notify one element manager, corresponding to a higher-priority one of the candidate subnetworks, of the selection (Column 14 Line 33-45, Column 10 Line 21-39), at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Column 5 Line 20-23).

Regarding to claim 16 and 20, Robinson teaches said management section is constructed to manage supported tagging, as additional information, for discrimination on combination of the subnetworks (Column 9 Line 60 – Column 10 Line 2).

Regarding to claim 17 and 21, Robinson teaches said management section is constructed to update the various QoS capabilities of the communication network when said QoS capability management information is updated (Column 9 Line 43-47).

Regarding to claim 18 and 23, Robinson teaches said management section is constructed to update the various QoS capabilities of the communication network when said QoS capability management information is updated (Column 9 Line 43-47).

***Response to Arguments***

3. Applicant's arguments filed on October 24, 2005 have been fully considered but they are not persuasive.

In response to pages 18-19, the applicant argues that Robinson does not disclose "at least one subnetwork of the plurality of the subnetworks having a different technology or a different topology than other subnetworks of the plurality of subnetworks. Robinson teaches at least one subnetwork of the plurality of the subnetworks having a different topology than other subnetworks of the plurality of subnetworks (Column 5 Line 20-23). Therefore, the examiner contends that Robinson teaches all the limitations of the independent claims.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 6,356,627 to Hayball et al.

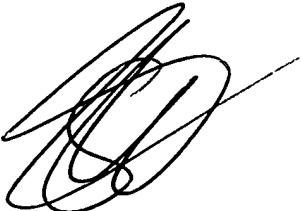
U.S. Patent 6,748,432 to Du et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*C.H.*  
Clemence Han  
Examiner  
Art Unit 2668



STEVEN NGUYEN  
PRIMARY EXAMINER